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Diana T Fritz 02/05/2007 05:44:17 PM From DB/Inbox: Search Results

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Text:

UNCLAS ABU DHABI 02980

SIPDIS  
CXABU:

ACTION: ECON  
INFO: P/M AMB DCM POL

Laser1:  
INFO: FCS

DISSEMINATION: ECON  
CHARGE: PROG

APPROVED: DCM: RALBRIGHT  
DRAFTED: ECON: OJOHN  
CLEARED: NONE

VZCZCADI134  
RR RUEHC RUEHGV RUCPDO RUEHDE RHEHNSC  
DE RUEHAD #2980/01 2450641  
ZNR UUUUU ZZH  
R 010641Z SEP 04  
FM AMEMBASSY ABU DHABI  
TO RUEHC/SECSTATE WASHDC 5747  
RUEHGV/USMISSION GENEVA 0554  
RUCPDO/USDOC WASHDC  
RUEHDE/AMCONSUL DUBAI 4290  
RHEHNSC/NSC WASHDC

UNCLAS SECTION 01 OF 02 ABU DHABI 002980

SIPDIS

SENSITIVE

DEPT FOR NEA, NEA/ARP, EB/TPP/MTA/IPC  
STATE PASS TO USTR - JASON BUNTIN and DOUG BELL  
USDOC FOR USPTO  
USDOC FOR 4250/DOC/MAC/ONE/GUGLIEMI  
GENEVA PASS USTR

E.O. 12958: N/A  
TAGS: [ECON](#) [ETRD](#) [KIPR](#) [WTO](#) [USTR](#) [TC](#)  
SUBJECT: TIFA works: UAEG Fixes IPR Problems

Refs: Abu Dhabi 1824

1. (SBU) Summary: In a successful use of the Trade and Investment Framework Agreement (TIFA) process, the Embassy worked with Pfizer and the UAEG to stop violations of Pfizer's patent on Viagra. In May, we facilitated meetings between Pfizer and the UAEG to identify Pfizer's concerns, and the Charge subsequently wrote letters to the Ministers of Health and Information and to the Minister of State for Finance and Industry to help push this along. Both Minister of Information, Sheikh Abdullah bin Zayed al-Nahyan (ABZ) and Minister of State for Finance and Industry, Dr. Mohammed Khalfan bin Khirbash have both personally committed themselves to resolving outstanding IPR issues. EconChief and Pfizer representatives met with UAEG officials on August 23 to follow up on earlier efforts to have the UAEG enforce Pfizer's IPR on Viagra and shut down the illegal production and sale of drugs containing the active ingredient in Viagra. The UAEG had already taken action on one of the drugs, Trex, and promised to take action on the remaining two. On August 30, EconChief received copies of Ministry of Health communiqués banning the sale of both 4M6 and Satibo. The UAEG has asked for more information from MSD on its drug Zocor in order to address MSD's concerns. End Summary.

2. (SBU) The Embassy used the UAE's commitment to the TIFA process and interest in moving to a FTA to launch a

coordinated campaign with U.S. pharmaceutical representatives to address the concerns of U.S. pharmaceutical companies about patent infringement. The campaign involved meetings with UAEG officials and letters from the Charge to the Ministers of Health and Information and to the Minister of State for Finance and Industry. In Washington, Minister of State for Finance and Industry Mohammed Khirbash personally committed himself to solving the Pharmaceutical Industry's concerns. On August 23, EconChief and Pfizer representatives met with UAEG officials from the Ministries of Finance and Industry, and Health to discuss steps that the UAEG had taken to address U.S. concerns about patent infringement of U.S. pharmaceutical products and to encourage further progress. (see reftel) Ahmed el-Hakim, Pfizer's regional director for health policy, raised four outstanding issues: the registration of the Viagra composite, 4M6, which violates Pfizer's patent on Viagra; the sale of two drugs, which also contain the active ingredient in Viagra; and the purchase by the Dubai Department of Health and Medical Services of a generic version of MSD's Zocor.

4M6

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13. (SBU) El-Hakim again noted that 4M6 violated Pfizer's patent and asked for an update on the UAEG's efforts to stop its production. Ministry of Finance Assistant Under Secretary for Revenue and Budget Khalid Al-Bustani stated

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that the Ministry of Finance had told the Ministry of Health that 4M6 violated the UAE's IPR law and should be deregistered. He asked Dr. Easa Al Mansoori, the Director of the Drug Control Department at the Ministry of Health to respond. Al-Mansoori agreed that 4M6 violated UAE regulations and that the UAEG needed to stop its production. On August 30, EconChief met with Pfizer's Dubai General Manager Zaydan Abuissa, who shared a letter from the Ministry of Health to Julphar (the UAE company making 4M6) stating that 4M6 violated UAE law number 17 of 2002 regarding the protection of IPR. The letter ordered Julphar to: 1) stop manufacturing, handling, and export of 4M6; 2) stop importing Sildenafil (the active ingredient in Viagra and 4M6) and 3) recall all of the products from the local market. Abuissa stated that Al-Mansoori had told him that he expected that the Ministry of Health would issue a ministerial decree revoking the registration of 4M6 upon the minister's return from vacation. The letter, however, put Julphar on notice that it was in violation of UAE law.

SATIBO

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14. (SBU) During the meeting, El-Hakim representatives asked for an update on efforts to deregister Satibo, a herbal drug that also contained Sildenafil. The UAEG agreed that the versions of Satibo, currently in the UAE, contained Sildenafil and violated Pfizer's patent. They agreed to withdraw it from pharmacies. On August 30, Abuissa and Al-Bustani both passed EconChief a copy of a MoH circular banning the sale and use of Satibo and ordering its withdrawal from the market. Abuissa also passed EconChief a copy of an article in the English language "Khaleej Times" announcing that the MoH had banned Satibo. He added that the story was also in many of the Arabic language papers. (Note: It is unclear whether this circular has the legal effect of formally withdrawing Satibo's registration, without an additional ministerial decree. Pfizer's lawyers will be checking.)

Trex

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15. (SBU) Pfizer representatives asked for an update on the UAEG's efforts to ban Trex, another Viagra clone. The UAEG said that they had already issued the instructions pulling it from pharmacies and blocking its import. Al-Bustani

passed out a circular from the Ministry of Health stating that Trex was not registered with the Ministry and that it was not authorized to enter the UAE and should not be sold. He also handed out a letter from the General Secretariat of Municipalities to all municipalities instructing them to prohibit the sale of Trex.

Zocor  
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¶6. (SBU) Amed El-Hakim, speaking as a PhRMA representative, also asked about the generic version of the MSD drug Zoccor, which is being sold in the UAE. El-Hakim explained that this was a "country of origin" and data protection issue. Zoccor 40 mg is still protected in the U.S. although not in Europe. Both sides agreed that PhRMA would go back to MSD and ask it to provide the UAEG with more information and an explanation of its position.

Comment  
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¶7. (SBU) The Embassy and U.S. Pharmaceutical companies capitalized on the U.S. - UAE TIFA Council to orchestrate a coordinated -- and successful -- effort to resolve some outstanding IP concerns. Post believes that these results demonstrate both the commitment of the UAEG at senior levels to improving IPR protection in the UAE and the success of the TIFA Council process. ABZ and Khirbash are both personally seized with IPR protection. ABZ has told us that we should let him know about any problems with IPR and Khirbash has publicly put his prestige on the line promising to solve the problems. UAEG interest in moving rapidly to FTA negotiations is leading to progress on a number of issues, including IPR. We will continue to follow-up to ensure that the decisions are implemented.

Sison